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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CHARLES LEE WILLIAMS,

Plaintiff - Appellant,

v.

ALAMEDA COUNTY SHERIFF DEPT.;
et al.,

Defendants - Appellees.

No. 06-17069

D.C. No. CV-04-02086-MMC

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Maxine M. Chesney, District Judge, Presiding

Submitted November 13, 2007**

Before: TROTT, W. FLETCHER, and CALLAHAN, Circuit Judges.

California state prisoner Charles Lee Williams appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging inadequate medical attention. We have jurisdiction under 28 U.S.C. § 1291. We

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

review de novo a district court's grant of summary judgment, *Lopez v. Smith*, 203 F.3d 1122, 1131 (9th Cir. 2000) (en banc), and we affirm.

The district court properly granted summary judgment in favor of defendants because Williams did not raise a triable issue of fact as to whether any of the prison medical staff possessed a culpable state of mind in deciding not to operate immediately on Williams' hernia. *See id.* (outlining requirements of medical indifference claim under Eighth Amendment).

Williams' motion for appointment of counsel is denied.

AFFIRMED.